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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/580,002   | 12/15/2006  | Mathieu Mcynet       | 291076US6X PCT      | 7624             |
| 22850  | 7590        | 10/07/2008           |                     |                  |
| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| ROMAIN, PINEL E  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 4155   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
| 10/07/2008   |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/580,002

**Applicant(s)**

MEYNET ET AL.

**Examiner**

PINEL E. ROMAIN

**Art Unit**

4155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/06/07 and 5/19/2006  
6.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

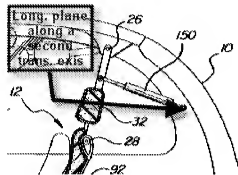
(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2,3,4,5,6,7,8,9 are rejected under 35 U.S.C. 102(b) as being anticipated by Neale et al. (Patent No. 6073986).

**Consider claim 1:** Neale discloses an adjustable seat(12) for a motor vehicle comprising of a cushion (14), a lower connecting device (42) for connecting the cushion to a lower structural element (104) of the vehicle and a backrest (16), (see fig. 2, col. 4, lines 55-58).

Neale also discloses an upper connecting device (150) for connecting an upper part (24) of the backrest (16) to an upper structural element (10) of the vehicle such as the roof of the vehicle, (col.5, and line 46). Neale also discloses the upper connecting device (150) is suitable for forming an upper connection along side of the roof. (col. 10, lines 7)

**Consider claim 2:** Neale discloses the seat as claimed in claim 1, wherein the upper connecting device (150) is connected to the upper part (24) of the backrest (16) by an intermediate upper connection (28) able to allow a displacement of the upper part (24) of the backrest relative to the upper connecting device (150) with rotation along a first transverse axis where the element 150 and (26) are joined in col. 10, lines 5-8. Neale also discloses a translatory motion along a second axis (34) located in a longitudinal plane as the pivot point (22) in col. 9, lines 62-64 along the element (34) in the longitudinal plane as shown below from fig 2.



**Consider claim 3:** Neale discloses the seat as claimed in claim 1, wherein the cushion (14) is connected to the lower connecting device (42) by an intermediate hinge (38) of transverse axis (col.5, line 60).

**Consider claim 4:** Neale discloses the seat as claimed in claim 1, wherein the backrest (16) is connected to the cushion (14) by a lower backrest hinge (34) of transverse axis located at pivot point 38 as shown in col. 5, line 60, and fig.4.

**Consider claim 5:** Neale discloses the seat as claimed in claim 2, wherein the upper connecting device (150) is provided to be fixed relative to an upper structural element (10) (FIG. 2, line 53) and the lower connecting device (42) is suitable for being mounted with the possibility of displacement along a longitudinal axis (106,) relative to a lower structural element (10) of the vehicle. (Fig. 4, Col. 8 lines 25-28).

**Consider claim 6:** Neale discloses the seat as claimed in claim 2, wherein the upper connecting device (150) is suitable for being mounted with the possibility of displacement along a longitudinal axis relative to an upper structural element (10) of the vehicle (col. 10, line 5) and the lower connecting device (108) is provided to be fixed relative to a lower structural element (10, col. 9 line 26-27).

**Consider claim 7:** Neale discloses the seat as claimed claim 1, wherein the upper connecting device (150) is suitable for being mounted with the possibility of displacement along a longitudinal axis relative to an upper structural element (10, col. 10, lines 5-8) of the vehicle. Neale also discloses a lower connecting device (42) is suitable for being mounted with the possibility of displacement along a longitudinal axis (106) relative to a lower structural element of the vehicle (108) col.8, lines 15-17 and lines 25-29).

Art Unit: 4155

**Consider claim 8:** Neale discloses the seat as claimed in claim 1, wherein a connection (122) is equipped with blocking (112) means able to be unlocked. (122, col. 9. Lines 31-33).

**Consider claim 9:** Neale discloses a motor vehicle provided with at least one seat as claimed in claim 1, the seat (12) is connected by the cushion connection (38) to a floor of the vehicle (108) and by the upper backrest connection (24) to an upper structural element (10) of the motor vehicle.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Neale et al. (Patent No. 6073986) in view of Baloché et al (Patent No. 5717300)

**Consider claim 10,** Neale does discloses the vehicle as claimed in claim 9. However, Neale does **not** disclose a control unit mobile along a longitudinal axis relative to the seat. However Baloché discloses a control unit (10, fig. 2, col.11, lines 44-48) and element 6 and element 8 are also mobile along a longitudinal axis relative to the seat (see col. 9 16-17). One of ordinary skill in the art at the time of the invention was made would have been motivated to modify apparatus in claim 9 taught by Neale to modify the seat to comprise of a control unit element (10, col.5, lines 45—48) that moves in the longitudinal axis with the seat as taught by Baloché in order to program the seat control unit to memorize the chosen position of the seat (Baloché col.1, line 65-67).

Art Unit: 4155

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINEL E. ROMAIN whose telephone number is (571)270-7013. The examiner can normally be reached on Monday -Thursday From 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. E. R./  
Examiner, Art Unit 4155

/PINEL E ROMAIN/  
Examiner, Art Unit 4155

/Thu Nguyen/  
Supervisory Patent Examiner, Art Unit 4155